

**CONSERVATION COMMISSION  
REGULAR MEETING  
REGULAR MEETING (via Teleconference)  
Conducted via Zoom; Broadcast Live via Seekonk TV-9  
January 10, 2022**

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**REGULAR MEETING**

**Present:** K. Kearney, N. Socha, R. Emlen, A. Petronio, N. Braga and Conservation Agent, J. Miller

**7:00 p.m.** Agent Miller opened the meeting of the Seekonk Conservation Commission and reviewed meeting protocols. She stated that the meeting will be broadcast live via TV9.

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**Public Hearing:**

**Ext Request: SE69-0873 (Intersection of Route 114A & County St.)-Luther's Corner**

Dave Cabral, Superintendent, DPW reported that he has been working with Jim Noyes, GPI and they are asking for a 1-year extension for the installation of a water-quality unit along the existing drain line on County Street prior to the outlet to the Runnins River. The MassDOT project for the upgrade to the traffic signal at Luthers Corner (which was completed this year in December) did not include this item in that contract. Seekonk DPW filed an NOI with the understanding that the stormceptor unit would be put in while the MassDOT project was under construction. He reported there was quite a bit of lead time from when the shop drawing was signed off for the stormceptor unit and the order was placed. We waited over 3 months. In addition, it was difficult to find anyone else other than the contractor working for the MassDOT project. The contractor also had their own schedule issues for that MassDOT project. There was an agreement in place for them to do the installation prior to the final paving. Unfortunately, paving got pushed off, and it did not occur under this particular project. We are putting the installation for the cascade separator until next construction season. We will be hiring the contractor to do the work using Chapter 90 funds. It is all in-roadway work. We will have to cut the roadway, and will do restoration of the pavement from the East Providence line to the disturbed area of the roadway. It will not be a patch; it will be a new overlay from pavement edge to pavement edge from the curbing on both sides once the unit is installed and settled a little bit.

**A. Petronio made a motion to grant the request to Extend the OOC's to 2/6/2023 under the State Wetlands Protection Act for SE69-0873 (Intersection of Route 114A & County St.) at Luther's Corner, seconded by K. Kearney.**

**Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, N. Braga – in favor.**

**N. Socha made a motion to grant the request to Extend the OOC's to 2/6/2023 under the Local for SE69-0873 (Intersection of Route 114A & County St.) at Luther's Corner, seconded by A. Petronio.**

**Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, N. Braga – in favor.**

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**Other Business:**

Agent Miller introduced a new commission member Nancy Braga. Nancy stated she is a proud resident of Seekonk and serves on the Recycling Committee.

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**COC Request: SE69-0822 (Corner of Chestnut & Hammond St.) (Map 10/Lot 288)**

Agent Miller explained that this is similar to a later Agenda item this evening which is for lots that have already been ANR'd. This COC Request is for a filing done before the lots were split; the OOC's have expired. As a formality, this filing needs to be closed out; no work was ever started. She read the language for motion to close out the filing with an Invalid Order of Conditions under the Wetlands Protection Act and the Local By-law:

*Invalid Order of Conditions: It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.*

**K. Kearney made a motion to issue a COC for "invalid conditions" under the Wetlands Protection Act as work never commenced for SE69-0822 (Corner of Chestnut & Hammond St.) (Map 10/Lot 288), A. Petronio seconded.**

**Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, N. Braga – in favor.**

**K. Kearney made a motion to issue a COC for "invalid conditions" under the Local By-law as work never commenced for SE69-0822 (Corner of Chestnut & Hammond St.) (Map 10/Lot 288), A. Petronio seconded.**

**Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, N. Braga – in favor.**

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**NOI #SE69-0936; 100, 108 & 110 Old Fall River Rd (Map 3, Lots 37, 43 & 44)**

Proposed construction of a commercial building with associated grading within jurisdictional wetland resource areas.

**Applicant: Mike Albernaz (R&R Stone Products)**

**Representative: InSite Engineering**

*Continued from December 13, 2021.*

*Continued to February 7, 2022.*

**N. Socha made a motion to accept the continuance request for NOI #SE69-0936; 100, 108 & 110 Old Fall River Road to February 7, 2022 sometime after 7:00 p.m.; K. Kearney seconded.**

**Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

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**ANRAD #SE69-0941; 1530 Fall River Ave (Map 4/ Lot 5)**

Verification of field-delineated wetland resource areas.

**Applicant: Gary Mello**

**Representative: LSC Environmental Consulting**

*Continued from December 13, 2021.*

*Continued to February 7, 2022.*

**R. Emlen made a motion to accept the continuance request ANRAD #SE69-0941; 1530 Fall River Ave to February 7, 2022 sometime after 7:00 p.m.; N. Socha seconded.**

**Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

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**NOI #SE69-0942; 965 Fall River Ave, & 0 Progress St (Map 8/Lots 20, 101, 103, & 116)**

Proposed secondary paved access road to a commercial property currently under construction within jurisdictional wetland resource areas.

**Applicant: 965 Neon Seekonk, LLC**

**Representative: DiPrete Engineering**

*Continued from December 13, 2021.*

*Continued to February 7, 2022.*

Jason Clough, DiPrete Engineering represented the applicant and gave an update for the project stating they have been before the Planning Board, and the project was approved. Plans have been updated to reflect comments from the review engineer and the Conservation Commission.

Agent Miller stated that the peer reviewer will review the revised plan, and the responses from DiPrete Engineering and report when everything has been addressed. Once that letter is in hand, approvals can be made.

Mr. Clough reviewed the changes and spoke about the adjustments to the fence along the new driveway, the added split-rail fence or guardrail as necessary, updates to the pond providing stormwater mitigation for the driveway entrance. Drainage pipes have been adjusted as requested from the peer review; drainage bmp updated to handle up to a 100-yr. storm. Other changes include tweaks to the design and grading, detailing of the stormwater structures, pipe size upsized to 12" as recommended, as well as updates to Stormwater O&M and Stormwater Pollution Prevention Plan. The Planting Plan incorporated the trees behind the fence as previously discussed.

**A. Petronio made a motion to continue SE69-0942; 965 Fall River Ave, & 0 Progress St to February 7, 2022 sometime after 7:00 p.m.; K. Kearney seconded.**

**Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

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**NOI #SE69-0947; 0 Woodland Ave (access via Burnside Ave) (Map 36/Lot 16)**

Proposed construction of a driveway with associated grading, within an access easement, for access to a future single-family home within jurisdictional wetland resource areas.

**Applicant: Sagar Services, Inc.**

**Representative: Caputo and Wick, Ltd..**

*Continued from December 13, 2021.*

*Continued to February 7, 2022.*

Agent Miller reported a continuance has been requested. More time is needed to install the wetland flags.

**K. Kearney made a motion to accept the continuance request for NOI #SE69-0947; 0 Woodland Ave to February 7, 2022 sometime after 7:00 p.m.; A. Petronio seconded.**

**Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

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**NOI #SE69-0946; 337 Greenwood Ave (Map 18/Lot 179)**

Proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

**Applicant: Northeast Custom Homes**

**Representative: InSite Engineering**

*Continued from December 13, 2021.*

*Continued to February 7, 2022.*

Agent Miller reported that the applicant is still in the process of having their wetlands scientist go back out and re-examine the wetland resource areas as the last flagging was some time ago.

**K. Kearney made a motion to accept the continuance request for NOI #SE69-0946; 337 Greenwood Ave to February 7, 2022 sometime after 7:00 p.m.; J. Sullivan seconded.**

**Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained).**

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**NOI #SE69-0948; 0 & 34 Hammond St/ 0, 291, 297 & 303 Chestnut St (Map 10/Lots 305-310)**

Proposed construction of a shared septic system for five single-family dwellings, including a sewer force main, leach field, and gravel access road within jurisdictional wetland resource areas.

**Applicant: Douglas Crandall**

**Representative: InSite Engineering**

*Continued from December 13, 2021.*

*Continued to February 7, 2022.*

Chris Andrade, InSite Engineering and Beau Akers, Brainsky Levinson, LLC represented the applicant Douglas Crandall for the project for a proposed shared septic and access road for 5 ANR lots. Agent Miller stated that the filing was continued from December to look at legal aspects from both Town Counsel and the applicant's counsel.

Mr. Andrade showed the original plan from 2015 and showed the current proposed plan explaining the major differences. Lots were subdivided into multiple Form A's, and the plan was for a shared septic system. The previous filing expired; and the filing was closed out earlier this evening (SE69-0822). We are coming back with almost the same plan that was previously proposed and looking for approvals.

The proposed shared system falls in the southern portion of the lot, and is retained on its own lot. The majority of the proposed work in the resource area is the septic system (just outside the 50' buffer), the septic and grading, and a split-rail fence just off the 25' with a straw wattle behind it. A driveway for the rear lot will also be used as a maintenance entrance for the shared septic system. All houses have individual rain gardens proposed. A portion of the driveway and a rain garden on this rear lot will fall within the 100' buffer. The majority of proposed wells fall outside the 100' buffer. The location of the septic for the initial design was delayed due to variances for an abutting well on 42 Hammond Street property. He stated because of the well, the system has an unconventional layout.

Ms. Kearney asked who will be maintaining this shared system. Mr. Andrade replied maintenance falls under a Homeowners Association; an Operations & Maintenance manual has been submitted. Ms. Kearney expressed concern for the steep grade on the septic system and the protection of the abutting wetland. Mr. Andrade reported it is a 3-to-1 slope, and jute mesh can be put down to mitigate issues of wash off to the wetlands. He did state that trees will have to be cut right up to the 25'.

Brian Trendell, 42 Hammond Street's (abutter to the proposed project) well location was discussed. Ms. Kearney asked for the detail on the rain gardens. Mr. Andrade showed the detail with applicable sizing, flow, and planting schedule. Ms. Kearney questioned the maintenance of the rain gardens; debris must be cleaned out in order for them to function properly. Someone certified in rain gardens needs to perform the maintenance as it is a specialty job. Mr. Andrade said maintenance of the rain gardens might be part of the O&M. It will go under the guise that homeowners will do what they are supposed to do. There are actions that the Town can take in the future. Mr. Petronio stated that the problem with that is the relying on the Town is reactionary and not proactive. Ms. Kearney questioned if the homeowners will be given a package on maintenance and information on how rain gardens work and necessary maintenance and replacement of plants. Mr. Andrade reported that the O&M is more geared toward the septic and doesn't know if there is something geared toward the rain gardens. Ms. Kearney reiterated the importance of providing information to the homeowners so they have the information to do the right thing. N. Socha commented that the homeowners cannot remove rain gardens. The importance of rain gardens was discussed as there will be no Stormwater HOA. Beau Akers agreed to discuss providing rain garden information with the applicant. It was noted that only Lots 4 and Lot 5 will come back before the Commission as an NOI or an RDA.

Mr. Petronio expressed concern for the effect of the shared system on existing neighboring wells. Mr. Andrade reported that this plan has already been approved by the Board of Health (June 2021). It was noted this has not been sent out for peer review. It was discussed that the purpose of rain gardens is for the runoff from buildings to be filtered slowly into the sub straight rather than sheet flowing or having more complex systems. Proper installation is imperative. The size of each rain garden depends upon the soils in the area for each individual lot.

Agent Miller suggested that since there is not going to be an HOA related to stormwater, only to septic, that Mr. Andrade work with his client to put deed restriction language incorporated into the plan notes on the plan itself and can be carried over to the Orders of Conditions. Mr. Andrade reported that each lot will have a drainage easement around the rain garden. Because these lots are Form A's, this was specifically designed (back in 2014/2015) with rain gardens as a way to reduce the flow. Homeowners cannot do whatever they want, the lots will be deed restricted with a drainage easement on each.

Agent Miller commented that part of the reason it is a shared septic system is because not all the individual lots perked well enough to have their own septic. She asked in terms of the 4 rain gardens close to the roadway, will they infiltrate quickly enough that there is not an issue with overflow onto the roadways causing icing conditions. Mr. Andrade reported each garden has a small overflow as outlets and there will not be a major flow to cause issues with the roadway; it may slow it from what it is currently.

The Fire Department requirement for the access roadway width was discussed. Mr. Andrade reported the plan (dated November 22, 2021) shows a 25' easement; and he will widen the gravel driveway from 14' to 20' if Mr. Brainsky's office agrees. A revised plan will be submitted.

Beau Akers stated for the record that it is their position that the shared driveway does not constitute a structure under the by-laws as they are defined in the context of Zoning, and thus does not require a variance. Ms. Miller reported that Town Counsel advised the Commission that since the original Orders of Conditions from 2016 did not require a variance, that the Commission would be hard pressed to require it for this filing since this is basically the same filing; just the lots have been ANR'd. Substantively, the project is the same.

It was discussed that the definition of structure will be clarified and incorporated into the Regulations rather than the By-law as it is less onerous.

Revised plan to be submitted with the roadway width adjusted and the information on the rain gardens (O&M & language regarding easements). This will ensure homeowners understand the easements, deed restrictions on the rain gardens as well as not upgrading the gravel driveway to pavement.

**Brian Trendell, 42 Hammond Street** made several points. He stated he believed the well measurement on his property shown on the plan is 10 feet off. He expressed concern with how much other stuff may be off on this plan (i.e., the 100' from the well to the leach field, as well as the measurement from the wetland to the wetland flags). He asked if Agent Miller has walked the property. He stated that he believed the owner of these lots has already been in violation of the Wetland's Protection Act as an access road was cut out from the leach field all the way to Mr. Hammond's house. Vegetation has been cut and a landscaper has been allowed to pile up 3 large piles of soil, debris, and compost in Sub Lot 5. He stated he is concerned about his water/well with the location of the proposed leach field. He expressed concern for the rain garden bordering his property as the back of his property pools already when we get a lot of rain. His concern is with how it will change the flow and if it will cause more water to flow into his property. He was also concerned with the overflow at the corner of Hammond and Chestnut Streets that currently causes icing on the roadway. He asked if as an abutter, if he could be supplied with the rain garden information as his home would be affected as well if homeowners are not compliant with the gardens. He asked if updated flags have been placed in order to ensure an accurate wetland line.

Agent Miller stated equipment was on site to perform the perc tests. The original proposal for this project had the force main for the shared septic going through the wetland going south closer to Mr. Crandall's house. Additional perc tests were done, and they were able to bring it north outside the wetlands with the sewer force main. There should not be any new access. The wetlands flagging was reviewed under the previous Conservation Agent, Bernadette DeBlander. The line is not that old, and the Commission would not typically require new flagging unless the wetland patterns changed considerably (i.e., beaver dams, new subdivision close by). She reported that when she started employment in 2016, she reviewed that wetland line thoroughly with Conservation Commission Chairman Wallace. There have been no significant changes in four years' time. Specific data, the biggest being soil criteria, has to be met as well as vegetation and hydrology.

Mr. Andrade replied the rain gardens will actually reduce flow; and the idea is to mitigate any increased flow. They act as individual lot detention basins; they retain water and slowly let it leach into the field. The roadway will not have any increased runoff by the addition of these lots. We have done an On Ground Survey, a Boundary Survey, located monuments, had the approval of the Planning Board for the lot layouts, and an On Ground Survey of the wells, the wetland flags, and the property lines.

Ms. Kearney commented that there is a good detail on the plan for the rain garden including what plants and species are to be in the rain garden.

Agent Miller discussed the protocols in place for ensuring the raingardens are maintained; she discussed the proactive approach and the reactionary approach of enforcement and DPW involvement.

**A. Petronio made a motion to close NOI #SE69-0948; 0 & 34 Hammond St; K. Kearney seconded. Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

**A. Petronio made a motion to issue a conditional approval for NOI #SE69-0948; 0 & 34 Hammond St under the Wetlands Protection Act; R. Emlen seconded. Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

**A. Petronio made a motion to issue a conditional approval for NOI #SE69-0948; 0 & 34 Hammond St under the Local By-Law; R. Emlen seconded. Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

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## Public Meeting:

### Enforcement issues:

- **NV 2013-02 & EO 2013-02; 520 Woodland Ave** (restoration plan update)

Agent Miller reported that there is a new property owner looking to resolve the outstanding enforcement issues and come up with a restoration plan that fills in the gap where the previous property owner left off. She stated the property owner has sent over an email with a link to a plethora of receipts and records, including the hauling of material and photos documenting the work done.

Jeff D'Arrigo, Sage Environmental represented Dan Saffer, property owner. He stated he has reviewed the file and that in 2013 the property was an absolute mess with partially buried surficial solid waste with no action being taken on it. A site visit with Agent Miller was made in the fall to assess. The site walk showed solid waste was removed and the area has revegetated substantially with native plants and shrubs. Between the site visit and now, Mr. Saffer received documentation from the seller showing a substantial effort to remove the solid waste and restore the wetland. A quarter of a million dollars was spent in trash removal alone. Erosion controls are still in place. We discussed targeted invasive species removal at the site and installing a split-rail fence to keep the area from being disturbed in the future.

Mr. Petronio shared/scrolls through many of the 126 photos provided. The Commission discussed the progress of the revegetation. K. Kearney and N. Socha felt that it would be nice to get some work done on the knotweed. Mr. D'Arrigo stated that for the betterment of the property, it will need to be eradicated along the peripheries. He can work with the property owner to design an effective plan for relatively low dollars. He noted the good woody regrowth of vegetation and herbaceous growth.

Revised Plan to be submitted for the February 7, 2022 Conservation Commission meeting showing generalized areas where invasives control needs to be done, and types of species and herbicide; and show the split-rail fence in relation to buffer zones.

- **NV 2021-05 & EO 2021-05; 0 Taunton Ave** (plan submission & update)  
Agent Miller reported she needs to coordinate a site visit date with MassDEP, the representatives, and herself. An update will be given at the February 7, 2022 meeting.
- **NV 2021-06 & EO 2021-06; 0 Pine St [Berson Estates Subdivision]** (plan submission & update)  
Violation and Enforcement Order for improper installation of erosion controls into the 25' No Touch area.

Agent Miller stated the Commission gave specific instruction for the applicant at our last hearing; and we have not received the revised plan yet. The applicant has reached out to the representative, and we hope to have something for the February 7, 2022 meeting.



- **NV 2021-07 & EO 2021-07; 305 Oak Hill Ave** (plan submission & update)  
Violation and Enforcement Order for removal of several large diameter trees and placement of storage containers in the disturbed area.

Agent Miller reported we have not received a response from the property owner yet. She will reach out in person before our February meeting.

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**Approval of Minutes:** December 13, 2021

**A. Petronio made a motion to approve the December 13, 2021 minutes, K. Kearney seconded.**

**Roll Call Vote: 4-0-1 K. Kearney, N. Socha, R. Emlen, A. Petronio – in favor. (N. Braga abstained)**

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**K. Kearney made a motion to adjourn the meeting at 8:41 p.m., N. Braga seconded.**

**Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, N. Braga – in favor**

Respectfully submitted,  
Kim A. Lallier  
Conservation Secretary

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*Formally accepted on 2/7/2022 5 in favor, 0 against, 0 abstention*

**Full Video available to view on TV9 Seekonk Community Access Television**

**Link: <http://tv9seekonk.com/>**